

RCE/1636

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TECH CENTER 1600/2900**REQUEST FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 08/765,026

Filing Date: January 29, 2001

First Named Inventor: Martine BARKATS *et al.*

Group Art Unit: 1636

Examiner: D. Guzo

Attorney Docket Number: 03804.0118

Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 *Fed. Reg.* 14865 (March 20, 2000). *Off. Gaz. Pat. Office* 47 (April 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114:**a. ☐ Previously submittedi. ☐ Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on [Date] \_\_\_\_\_.ii. ☐ Consider the arguments in the Appeal Brief of Reply Brief previously filed on [Date] \_\_\_\_\_.iii. ☐ Other \_\_\_\_\_b. ☒ Enclosed:i. ☒ Amendment/Replyii. ☐ Affidavit(s)/Declaration(s)iii. ☐ Information Disclosure Statementiv. ☐ Other \_\_\_\_\_

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**2. Miscellaneous**a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)b. ☐ Other \_\_\_\_\_**3. Fees**a. ☒ The filing fee is calculated as follows:i. ☒ \$740.00 RCE fee required under 37 C.F.R. § 1.17(e)ii. ☒ Petition for extension of time for (3 Months) \$920.00iii. ☐ Other \_\_\_\_\_b. ☒ Check in the amount of \$1,660.00 enclosed.c. ☒ The Director is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.**Signature of Applicant, Attorney, or Agent Required**

Name: Charles D. Niebylski

Reg. No.: 46,116

Signature: 

Date: March 21, 2002

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22852

PATENT TRADEMARK OFFICE



PATENT  
Attorney Docket No. 03804 0118

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Martine BARKATS *et al.*

Serial No.: 08/765,026

Filed: January 29, 2001

For: ADENOVIRUS INCLUDING A  
GENE CODING FOR A  
SUPEROXIDE DISMUTASE

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) Group Art Unit: 1636

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) Examiner: D. Guzo  
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**Box RCE**

Assistant Commissioner for Patents  
Washington, DC 20231

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3-28-02

Sir:

**SUBMISSION UNDER 37 C.F.R. § 1.114**

In reply to the final Office Action mailed on September 25, 2001, Applicants file a Request for Continued Examination and submit the following amendment and arguments in accordance with the requirements of 37 C.F.R. § 1.114. By virtue of the concurrently-filed Petition for a Three-Month Extension of Time and appropriate fee, this Request for Continued Examination and Amendment and Request for Reconsideration are due by March 25, 2002, and are timely filed.

**AMENDMENT**

**IN THE CLAIMS:**

Please cancel claims 76, 77, and 80, without prejudice or disclaimer, and amend claims 47, 62, 68, and 81 as follows:

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